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The Sovereign Signifier: Agamben and the Nonhuman - Chapter

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Giorgio Agamben's invocations of Sovereignty and Law would appear, on their face, to vex his relationship to a Lacanian conception of the nonhuman. At the heart of this vexed relationship is the seeming fealty Agamben's analyses pay to Michel Foucault. In the Introduction to his *Homo Sacer: Sovereign Power and Bare Life*, Agamben writes that in his final years, Foucault had appeared to orient his analysis of Power according to 'two distinct directives for research':

> [O]n the one hand, the study of the *political techniques* (such as the science of the police) with which the State assumes and integrates the care of the natural life of individuals into its very center; on the other, the examination of the *technologies of the self* by which processes of subjectivization bring the individual to bind himself to his own identity and consciousness and, at the same time, to an external power.[1]

To anyone familiar with Foucault's work, these two directives are hardly surprising. Agamben, for his part, appears to accept the basic two-pronged

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thesis when it comes to analyzing Power, which is to say that he sees how the workings of disciplinary power are inseparable from processes that belong to the very advent of subjectivity, and the entire attachment or reduction of the body and its sensations to something called an Individual Subject.[2]

To the extent that Agamben has a quarrel with Foucault, it is that the latter never names or locates the exact point of intersection in the body of Power itself 'at which techniques of individualization and totalizing procedures converge.'[3] He likens this place of meeting to 'a vanishing point that the different perspectival lines of Foucault's inquiry (and, more generally, of the entire Western reflection on power) converge toward without reaching.'[4] It is the self-proclaimed achievement of Agamben's work to have reached and rendered visible this vanishing point in the figure of the *homo sacer*—the casualty of a sovereign, legal decision, the life that is included in a political order 'solely in the form of its exclusion.'[5] This 'obscure figure of archaic Roman law' offers, according to Agamben, nothing less than 'the key by which not only the sacred texts of sovereignty but also the very codes of political power will unveil their mysteries.'[6]

How, and in what way, does the figure of the *homo sacer* render visible the mystery of political Power? The answers provided by Agamben to this question are, in a significant way, historicist: Western politics gets founded on the exclusion of an exemplar of biological life (the *homo sacer*)—on a sovereign decree that divides human and nonhuman life, privileging the former and permitting violence against the latter. The *homo sacer* is precisely the person who can be killed without it being considered a crime.[7]

In modernity, this fracturing decree takes on a paradoxically doleful hue. In antiquity, the *homo sacer* is distinguished from the rights-bearing citizen, relegated to and associated with a form of living that is the abject, sacred, denuded substance of life itself; in modernity, however, the beneficiaries of the fracturing decree want that sacredness for their own lives and societies as well. Thus, for Agamben, this fracturing decree comes to bewitch modern democracies, the citizens of which come to imagine a freedom and plenitude in bare life itself, in the organic life of their community, if only it could be rid of its (ostensible) contaminants.

Agamben follows Foucault's theorization of the emergence of 'biopower' here because it is Foucault who first isolates the way in which biological life itself becomes a matter of political concern. For Foucault, biological life and its survival was once not something that concerned politics. Indeed, what Foucault calls 'the fact of living' was a concern that appeared only episodically (and apolitically) amid death-producing events (e.g., epidemics and famine), events that were understood to fall fundamentally outside of human control. As control over the conditions of existence grew during the eighteenth century—largely because of improved agricultural techniques and also of the rise of scientific disciplines that constructed, or even invented, life[8]—an opportunity emerged for human subjects to understand themselves as the bearers of life in a living world that could be known and transformed.

The double-valenced opportunity Foucault describes amounts to this: It is only life's *respite from* the vicissitudes of death that enables its capture by biopower, enables it to pass 'into knowledge's field of control and power's sphere of intervention.'[9] Life becomes the province of the State, which has an interest now in the living bodies of its citizens. A vast array of disciplines and institutions are developed that produce, articulate, disseminate, and ultimately regulate the truth of life. (Psychoanalysis and the psychoanalytic session would be seen to be part of this production/regulation.) The concept and exercise of Truth itself, as Foucault would put it, 'lays down the law.'[10] Biological life and its putative enjoyment become the object of political strategies and struggles—the thing of unsurpassed value when it comes to politics today.

What unites and explains phenomena as otherwise disparate as Nazism, the spectacle-ridden society of late capitalist consumerism, and the War on Terror is thus the increased politicization of biological life—the attempt to secure and enjoy natural life directly or immediately. The fantasmatic, besieged pleasures of biological existence therefore lie at the source of the horrible violence of the twentieth and twenty-first centuries, which at times leads Agamben to follow Foucault in calling for a new way of conceiving politics altogether—a politics, he says, 'no longer founded on the *exceptio* of bare life.'[11] Only an entirely new way of thinking about politics can free one from the way sovereign decisions politicize biological life via acts of Law that include life in and through the act of excluding it.

This relationship of 'inclusive exclusion' is, for Agamben, 'the originary form of law.'[12] From this Foucauldian standpoint, it would appear that there is no way of redeeming Law, or making it somehow fairer or just. It is not a question of looking to and overseeing more just incarnations of the Lacanian Law, the essence of which is 'to divide up, distribute, or reattribute everything that counts as *jouissance*.'[13] Political struggle is not a question of shoring up the Law against its manipulability, of fighting for better or more equitable distributions of jouissance, of relocating the source of the Law's emergence in the people as opposed to the Sovereign. The implications of the trenchant observations in a book such as Richard Rubenstein's *The Cunning of History*—that 'the Nazis committed no crime at Auschwitz,' that 'no laws were broken and no crimes committed at Auschwitz,' that the 'Jews were executed in accordance with German Law'—are those of someone who believes in the liberal–democratic version of Law and in the capacity of a *polis* to check the Sovereign's manipulation of it.[14]

On this view, only better and fairer laws, laws that respect the rights and dignity of all people, can create something like a more just and humane society. For Foucault, however, the problem is that Law *touches or appropriates the human and questions of pleasure at all*. In a clear evocation of Foucault, and in a way seemingly at odds with psychoanalysis, Agamben calls for a politics 'beyond every idea of' or in 'relation to' Law.[15] This kind of politics stands to change—in the direction of nonappropriation and nondomination—the very way we encounter living and inanimate beings.[16] Collapsing the human–nonhuman distinction frees in a radical way both parties from the inclusion–exclusion problematic. The nonhuman escapes the violence visited on it by the human, while human subjects themselves are afforded the putatively liberating chance—to invoke the name of Gerard Bruns's book—to 'cease to be human.'[17]

Which Bare Life?

When Agamben calls for a politics no longer founded on the Law-executing *exceptio* of bare life, we should, however, ask: Which bare life is he talking about? This question is pertinent because it seems to me that

there are two bare lives in Agamben's analysis of the exception/exclusions created by Law. By this, I mean that there are two distinct sovereignties in Agamben's work.

The first is a sovereignty that happens historically, that exercises its powers in ways that marginalize other living creatures. This is a sovereignty that *need not have* exercised its Power in the way that it does. The designation of prisoners in the so-called War on Terror as 'enemy combatants'—and their indefinite detention at Guantánamo, without ever being accused of a crime—is one example of this exercise of Sovereignty. The second, however, is one that is constitutive—a sovereignty the exercise of which, insofar as we live in a properly social world, already has happened. This is a sovereignty that is logically necessary. If the first Sovereignty is exemplified by actual victims of political violence (e.g., the refugee or immigrant, the African-American victim of police violence, the disposable worker), the second has no actuality and no exemplar.

This second sovereignty produces a nonhuman form of life that is necessarily and entirely *conceptual*, the result of a different sort of Sovereign decision, one having to do with the law-bearing function of language itself. In his lone reference to Hegel in *Homo Sacer*, Agamben suggests that we have Hegel to thank for letting one see how the primordial Sovereign is language itself, because it is only with the advent of language that the illusion of something meaningful prior to language appears. We experience this advent as undoing the tie to natural biological life but in truth there was no prior tie, no subjective experience of it. The logical necessity of this dynamic, Agamben writes, makes plain 'the bond of inclusive exclusion to which a thing is subject because of the fact of being in language, of being named. To speak is, in this sense, always to "speak the law".'[18]

The notion that an individual speaking speaks the Law or expresses the bond of inclusive–exclusion has its antecedent in Hegel's critique of sense-certainty in *The Phenomenology*; this book definitively establishes the extent to which the immediacy of anything captured by language is always already (and necessarily) a vanished immediacy. As Hegel illustrates it, actual, discrete particulars '*cannot be reached* by language': The instant someone names or describes a particular thing (e.g., 'this bit of paper'), the absolute particularity of this thing has been replaced by the

words used to refer to or describe it.[19] One cannot 'say' a particular thing without the sound of the saying itself becoming a particular thing, forsaking its referential function—its ability to enable one to *think* the particular thing being designated or to grasp how there are many actual, discrete particulars.

The phrase 'this bit of paper,' after all, can refer to many different bits of paper. For Hegel, then, the cognizance or retention of particularity is paradoxically inseparable from its sacrifice. The valorized sensuousness of the particulars of sensory perception is always a retroactive construction, an effect of a nomenclatural foreclosure, which means that whatever we are able to designate meaningfully about such details is already the result of our having 'spoken the law.'

Hegel applies this thesis regarding the fantasy of sense-certainty explicitly to biological life itself (what he calls 'mere' life) in part three of the greater *Logic*, where he makes plain the extent to which any and all invocations of mere life must reckon with the way such life gets cognized. Indeed, in the final section of his book, Hegel traces the way cognition itself forges and maintains an identity between its own idea of natural life and natural life itself *even as* it announces their diremption. As Hegel sees it, philosophy goes farther than sciences (e.g., physics or psychology) because these sciences are content to generate or determine general laws based on empirical considerations. Philosophy, however, grasps the way the Absolute Idea or Absolute Notion clarifies the way the very appearance of empirical entities that are different from thinking is, at the same time, unifying.

To recognize this is to have arrived at the Absolute Idea or Absolute Notion—the thought of thought that overcomes all opposition. Hegel's *Science of Logic* is a unique science for this reason because it does not separate form and content. Thinking is not the mere form of cognition, as if content (or matter) came from somewhere else. Thinking is not, in other words, some sort of empty, external vessel that arrives at real or concrete material in order to fill itself up and become genuine knowing. On the contrary, as Hegel insists (crediting Plato and the Ancients): '[T]the knowledge of things obtained through thinking is alone what is true in them, that is, things not in their immediacy but as first raised into the form of thought, as things *thought*.'[20] What Hegel calls the 'most

important proposition of philosophy' is precisely the *ideality* of all finite entities or things.[21]

These Hegelian propositions here do necessarily entail hierarchy. Human cognition, for Hegel, *is* inescapably a higher stage than life, and the subject who can cognize the very terms of cognition itself vis-à-vis the natural or animal world *is* in fact the fulcrum of an egalitarian politics. The insights into animal or biological life that thinks such insights *as thought*—as determinations that are *the essential nature of* or an expression of logical kinship between thinking and objects—are truer than insights into, or practices of, animal or biological life that claim to have evaded thinking, or that emanate directly from everything that thinking is said to negate (e.g., the body, one's animal urges, mere life, etc.). This is what Hegel means when he insists that the '[i]dea of life…remain enclosed within the form of the Notion' and should not take its cue from actual forms of natural life itself.[22]

When we consider the conceptual or logical conditions that undergird our very cognizance of biological life, we can see that there is no getting intelligibly to the thing itself. The very words 'biological' or 'natural life' are, before they are anything else, abstract—an idea. Biological or natural life, in other words, has no intelligible meaning outside of, or prior to, the signifying act that conditions its emergence, and it is this signifying act that always already signals a primordial alienation from nature. Catherine Malabou beautifully distills the contours of this alienation when she invokes 'signification's impossible state of nature.'[23] The politics that aims to reconcile signification and nature is one that ignores its own constitutive conditions.

In naming language as Sovereign, Agamben enables one to conclude that there is a sovereignty that is logical or Notional *before* it is historical, that there is a *spoken bare life* before someone is made into an exemplar of it. The first Sovereign decision, then, is an act of signification that cuts into undivided life, carving out a space for humans to speak and to understand themselves as temporal beings. When Agamben focuses directly on this structural dimension of Law, acknowledging its fundamental necessity, he appears to arrive at the vanishing point where Foucault's analysis would seem to converge. Only it is not the vantage point at which normative or determinative power seals the deal, as it

were, through political techniques and the technology of subjectivization. Sovereign power and subjectivization are part of the process; however, there is an unaccounted-for moment in this process that has nothing (and everything) to do with loosening the normative or totalizing hold of Law on life.

On the contrary, it is here that Agamben preserves and describes, with some inventiveness, the ontological status of, or role for, Law after its tie to normative or determinative Power has been severed. Alleging that there is 'another use of law,' Agamben coins a neologism of sorts (i.e., 'nonrelation') to redeem the politics of this use. Rather than jettisoning Law altogether, Law and life remain joined, but it is a 'nonrelation' that names their connectedness. Law can maintain a 'nonrelation to life' and, in this way, avoid functioning as the Law that acts directly to determine or appropriate the lives, activities, and objects that make up a social world—or the ends to which they are directed and the definite relations that exist between them.[24]

The Law said to enjoy a 'nonrelation to life' is, Agamben contends, a 'pure law'—a law rid of commanding or even referential content and the ends and outcomes that legitimize it. What initiates the political or the human order of politics, for him, is a Law or linguistic entity that refers only to itself, or that is its own activity and nothing else. As Agamben puts it: 'To a word that does not bind, that neither commands nor prohibits anything, but says only itself, would correspond an action as pure means, which shows only itself, without any relation to an end.'[25] This is how a Law becomes pure and an action genuinely political.

The more pure and purified Law becomes, of course, the more difficult it is to map its origins or to see how it might lead to an 'ought' capable of modifying animal or organic existence. Agamben's forbearer here, in an unacknowledged way perhaps, is Kant, who sought out similar reasons to purify Reason; that is, not to restore or revalidate a dogmatism of proper objects, actions, and values, but to turn it, speculatively, back onto itself, to arrive at some conditions for cognition as such. Like Agamben's pure Law, the pure Reason of the first *Critique* 'is in fact occupied only with itself.'[26] What Kant sees as a perversion of Reason is its exercise when determined by an intelligible end, when the chain of causality that determines an action is readily understandable—for example, I do not commit

adultery or speak ill of my parents because I have been commanded by God not to do so.

Kant's separation of pure and ordinary Reason, his development of a doctrine and an analytic of 'pure practical reason' seeks precisely to rid human actions and values from their thralldom to the determinative Law of ends. We could say here that politics requires a Law separated from anything straightforwardly or materially relational—in the words of the second *Critique* 'every object of the will (as its determining ground)'[27]—so as to isolate and establish its purity. It is this pure aspect of Law that introduces a break into the ostensibly already-settled questions of why one should act this way and not that, of why these values are legitimate and those not, and so on. The fact that Law is severed from readily understood notions of causality and legitimacy makes it something capable of catalyzing or reminding us of our freedom. As Kant puts it: '[A] will for which the mere lawgiving form of a maxim can alone serve as a law is a free will.'[28] This 'lawgiving' form cannot be 'reasoned out from antecedent data of reason.'[29] Good and evil come only after the Law because, otherwise, it would be the basis for that Law.

Signification as Such

By theorizing Law in this way, Kant and Agamben confront us with (or get us to ask) a very basic question: How can we will something, or make decisions about the lives we life, *un*determined by an intelligible or empirical Law? Who (or what part of the subject) would do this willing? In his famous reading of Freud's 'specimen dream' (i.e., the dream of Irma's injection) in *Seminar II*, Lacan seeks implicitly to address these questions by making more complex the commonplace notion that dreams are 'the disguised fulfillment of repressed wishes'[30]—the staging of illicit desires repressed for immoral or shameful reasons.

In the dream of Irma's injection, Lacan sees something else going on, something much more formal or even philosophical. The key moment of the dream, of course, is the emergence of the formula for trimethylamine—a signifying activity that prevents the subject or agent in the dream (Freud) from merging directly and chaotically with life (down the

throat of Irma). Lacan writes: '[J]ust when the world of the dreamer is plunged into the greatest imaginary chaos, discourse [as such] enters into play.'[31] The formula for trimethylamine appears and, at this point, we have, says Lacan, reached the crux of the dream's message, which is nothing less than the very nature of the symbolic order: '[T]here is no other word of the dream than the very nature of the symbolic.'[32] The word passed in the dream is 'a word [that] means nothing except that it is a word'[33]; and this, ultimately, is the formal truth—'the quest for signification as such'[34]—that Lacan discerns beneath Freud's dictum that the scenarios we encounter in our dreams are fulfillments of a wish. That is to say, the deepest wish fulfilled in a dream is the wish to 'pass a certain word.'[35]

This word (and this signifying activity) emerges, quite obviously, from the Unconscious—something logically grasped through its articulations. I am tempted to say here that if there is a political link between Agamben and psychoanalysis on the question of the nonhuman, it rests in the claim that the Unconscious, too, has a 'nonrelation' to life. Which is to say that psychoanalysis, in its insistence on the centrality of the unconscious, cannot but find or delineate a type of nonhuman reality marked by entities that do not simply represent external things but rather what Jean Laplanche calls 'designified-signifiers'.[36] Laplanche's invocation of such signifiers comes in an explicit homage to Lacan, wherein he notes the extent to which passage to the Unconscious is correlative with a loss of referentiality. When a Signifier becomes unconscious, Laplanche suggests, it 'loses its status as presentation (as signifier) in order to become a thing which no longer presents (signifies) anything other than itself.'[37]

What should become clear here is the extent to which, for Lacanian psychoanalysis and for Agamben, the human *does inexorably* maintain a speculative or logically necessary primacy over the nonhuman. Rather than signaling a worrisome recipe for domination, hierarchy, and conflict, the terms and implications of this primacy are the very conditions for politics and a shared world. For both Lacan and Agamben, language is always more than a tool and is used by human beings in ways that are different from other living things. This is because living human beings,

in ways they are barely cognizant of, enact the installation of the Signifier in every act of communication—meeting the very material of language *as material* and, in an instant, making it into something meaningful. Before the signifying message of a speech act is the 'quest for signification itself,' and the emergence of a word that wishes only to be a word. As Agamben correctly distinguishes it, this amounts to a dethroning of language:

> It is perhaps time to call into question the prestige that language has enjoyed and continues to enjoy in our culture, as a tool of incomparable potency, efficacy, and beauty. And yet, considered in itself, it is no more beautiful than birdsong, no more efficacious than the signals insects exchange, no more powerful than the roar with which the lion asserts his dominion. The decisive element that confers on human language its peculiar virtue is not the tool itself but the place it leaves to the speaker, in the fact that it prepares within itself a hollowed-out form that the speaker must always assume in order to speak—that is to say, in the ethical relation that is established between the speaker and his language. *The human being is the living being that, in order to speak, must say 'I,' must 'take the word,' assume it and make it his own*.[38]

The place in which the sovereignty of the Signifier leaves the speaker is a gap, a 'hollowed-out' place of fracture and lack.

Avowing the 'peculiar virtue' of human language—a virtue that makes speech acts fundamentally different from the song of birds, the buzzing of insects, the roar of lions—Agamben maintains the Law-executing function of the Signifier in the form of what he calls 'gesture' or an 'event of language.' What gesture communicates is communicability itself; it does not really say something meaningful because a gesture is, for Agamben, 'essentially always a gesture of not being able to figure something out in language.'[39] As an event of language, a gesture performs or repeats what psychoanalysis understands as the installation of the Signifier—something that allows, as Agamben would put it, for the '*factum* of language and the *factum* of community to come to light for an instant.'[40] This is an instant, of course, that forever renders impossible an organic link between the Signifier and a national language or state territory.

Poetry from Guantánamo

To exemplify the basic argument that has been made to this point—that the most authentic and inclusive human community is founded constitutively on the sovereignty of the Signifier—let us now turn to one of the more surprising (and remarkably titled) literary works to be published in the last decade: *Poems from Guantánamo: The Detainees Speak*. There is, of course, much that is disquietingly poignant about the content of the poems that comprise the collection. The poems contain some singular declarations of humiliation and homesickness, despair and sorrow. Many speak directly about having been tortured, about indignities endured during capture and detention (e.g., shackling, not being permitted to void, etc.), and about the absence of loved ones (e.g., parents, spouses, children, etc.). Many of them make desperate appeals to God or to ordinary Americans for freedom and justice.

The very circumstances surrounding the poems' composition, too, are striking. As is well known, detainees were not given the materials necessary for written discourse (e.g., pen, paper, etc.): 'Undeterred, some would draft short poems on Styrofoam cups they had retrieved from their lunch and dinner trays. Lacking writing instruments, they would inscribe their words with pebbles or trace out letters with small dabs of toothpaste, then pass the "cup poems" from cell to cell.'[41] Giving voice to unspeakable suffering and longing, the poems stand alongside the hunger strike as the only forms of rebuke against the Sovereign decree that consigns the prisoner-authors to the state of exception and seeks to reduce their existence to the solitary and animal dimensions of biological life.

What is most salient about these acts of communication, however, is that they take the form of lyric poems, that when 'the detainees speak,' they speak in poetry. This is significant, I think, because lyric poems are unique speech acts that sit astride the threshold that clarifies the human–nonhuman divide. Lyric poems shine a light on this threshold by refusing to conceal entirely the materiality of sound and word that is deployed, manipulated, and aurally or visually arranged. Poems are something quite different from a technical manual, a news report, or most plot-driven narrative prose. These latter forms already assume our status as speaking

beings and are thus uninterested in restaging the ontological conditions by which we emerge as creatures of language.

Even as lyric poems foreground their materiality, however, they maintain some tie to meaningful communication, refusing a devolution into babble or nonsense. Versification here has a politics with coordinates in the sovereignty of the Signifier and in the way it enables one to symbolize the material dimension of life—and is itself a material dimension of life—in the very act of negating it. We might say here, in fact, that it is the Sovereign exercise of the Signifier that *creates* the very space for poetry, for a pure *means* of communication that is, momentarily, its own end.

To return to Agamben's terms, poetry shows us the pure Law qua sovereign Signifier. Poetry enacts this law's (or this signifier's) nonrelation to life because what we meet with in poems is the process by which words do not naturally correspond to or determine aspects of life so much as *make possible* a variety of subsequent correspondences or determinations. Against the Law that does seek to determine and secure life, against those sovereignly signifying acts that name and relegate 'enemy combatants' in 'the War on Terror' to the category of the nonhuman, poems remind one of the sovereignty that is *necessarily antecedent to* such an act. This is the sovereignty that is the condition for politics.

It is telling, in this context, that the Pentagon deemed the detainees' poems a security risk, believing them to contain and transmit secret messages. For the Sovereign guardians of security, poems are no different from other instrumental forms of communication; everything about them is tied to their *end*, their hidden or concealed messages. But this is precisely to miss what is so significant about lyric poems, the way their power lies not in (the illusion of) depth or secrecy they contain but rather what happens, in a very elementary way, *on their surface*. We might remember here Martin Heidegger's claim that poems are not like pieces of equipment in which language is used or used up, in which language 'disappears into usefulness.'[42]

The distinction Heidegger introduces between 'projective saying' and 'actual language' is apposite here. Actual language preserves a world of closed (or settled) meanings. For instance, the Arab-Other is the 'enemy combatant' who seeks, by way of terroristic acts of violence, to destroy us and our way of life. The Other is the barbaric animal who must either

become a friend or be destroyed altogether. Projective saying, however, is what 'prepar[es] the sayable'; it 'simultaneously brings the unsayable as such into a world.'[43]

Consider the enjambment that distinguishes the second and sixth stanzas of Abdullah Thani Faris Al Anazi's poem, 'To My Father.' In the first stanza, the poem's speaker names the anguished homesickness he experiences, having been incarcerated at Guantánamo for two years. The poem conveys just what the speaker is separated from—from the traditional application of kohl to the eyes, from fields of 'lavender cotton,' and from the togetherness of time spent in the homes of family members. Al Anazi's poem contains a directive, and he imagines it reaching its intended audience and producing a gesture by proxy, as it were. That gesture is a kiss of the speaker's father's forehead: 'Kiss him on the forehead, for he is my father/Fate has divided us, like the parting of a parent from a/newborn.'

In the sixth stanza, the speaker's address is directly to a God 'who governs creation with providence' and who is deservedly worshipped. To this God, Al Anazi addresses a kind of prayerful appeal: 'Grant serenity to a heart that beats with oppression./And release this prisoner from the tight bonds of/confinement.' Both stanzas end with single words—'newborn' and 'confinement'—that have been separated from the poetic declarations to which they belong. In meeting these single words on separate lines, we meet with the capacity of poems to signify the *very act of signifying*.

The single word reminds us, for an instant, that words are things before we are made to see, too, that words are always more than mere things. In this case, their arrangement on the page—or their separation by an extra breath from the words that precede them—enables one to reenact a movement from organic or animal life to the properly human world of language. The pure discernment of the word gives way, in an instant, to 'figuring out' what the speech act seeks to convey—the pain of separation from loved ones and the barbarism of Guantánamo's prison conditions.

The lesson of the poem—and perhaps of lyric poetry itself—is that the only way to oppose the outrage of a historically Sovereign power and its relegation of human beings to the category of the nonhuman is with sovereign Power itself or as such. From the historically created state of exception, the detainees speak. And they, like the rest of us, speak poems.

Notes

1. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), p. 5.
2. Foucault rejects the view that sees the Individual as the victim of Power, or its possible adversary. Power is not 'applied to' individuals, who either accept or oppose it. Rather, power has already, in a sense, 'passed through' individuals, who are its 'relays.' As Foucault puts it, it is 'a mistake to think of the individual as a sort of elementary nucleus, a primitive atom or some multiple, inert matter to which power is applied, or which is struck by a power that subordinates or destroys individuals. In actual fact, one of the first effects of power is that it allows bodies, gestures, discourses, and desires to be identified and constituted as something individual. The individual is not, in other words, power's opposite number; the individual is one of power's first effects' (Michel Foucault, 'Society Must Be Defended.' In*: Lectures at the Collège de France, 1975–1976*, trans. David Macey (New York: Picador, 2003), 29–30).
3. Agamben (1998), p. 6.
4. Ibid.
5. Ibid., p. 8.
6. Ibid.
7. For the penultimate American instance of this, recall Frederick Douglass' poignant account of an overseer's killing of a slave named Demby and the conclusion Douglass draws from it: 'I speak advisedly when I say this—that killing a slave, or any colored person, in Talbot country, Maryland, is not treated as a crime, either by the courts or by the community' (Frederick Douglass, *Narrative of the Life of Frederick Douglass* [New York: Oxford, 2009], p. 32).
8. See here Foucault's contention that the very emergence of Biology as a scientific discipline is synchronous with the invention of life. Prior to the middle of the eighteenth century, he writes, 'biology was unknown' for the 'very simple reason…that life itself did not exist' (Michel Foucault, *The Order of Things*, trans. Alan Sheridan [New York: Random House, 1994)] pp. 127–128).
9. Michel Foucault, *The History of Sexuality: An Introduction, Vol. I*, trans. Robert Hurley (New York: Random House, 1990), p. 142.
10. Foucault (2003), p. 25.
11. Agamben (1998), p. 11.

12. Ibid., p. 26.
13. Jacques Lacan, *The Seminar of Jacques Lacan, Book XX: Encore, 1972–1973,* trans. Bruce Fink (New York: Norton, 1998), p. 3.
14. Richard L. Rubenstein, *The Cunning of History: The Holocaust and the American Future* (New York: Harper and Row, 1987), p. 87.
15. Agamben (1998), p. 59.
16. The esteem in which Agamben holds the Franciscans has its coordinates here, since the Franciscans 'actualize' a 'neutralization of law with respect to life' (Giorgio Agamben, *The Highest Poverty: Monastic Rules and Form-of-Life*, trans. Adam Kotsko (Stanford: Stanford University Press, 2013), p. 111. The Franciscans enact a radical reclamation of life, 'subtract[ing] life from the sphere of law.' From this standpoint, a kind of radical freedom is said to reside in the dissolution of the very distinction between human and nonhuman, between political and biological/animal life. There is no shortage of contemporary examples of the ostensible pleasures to be had when we have freed ourselves from Law and the values and hierarchies and pathologies it erects. See, for example, the phenomenon of Zoosexuality, which revalues sex with—or a sexual orientation toward—nonhuman animals as part of 'a loving inter-species relationship' (Samantha Hurn, *Humans and Other Animals: Cross-cultural Perspectives on Human-Animal Interactions* [London: Pluto Press, 2012], p. 193).
17. Gerald Bruns, *On Ceasing to Be Human* (Stanford: Stanford University Press, 2011). Bruns finds in Foucault a version or incarnation of sovereignty that escapes symbolization entirely—someone 'perhaps no longer human, neither human nor nonhuman but a figure of alterity without reference to the same' (pp. 28–29). For Bruns, Foucault radically rejects all normative constrictions. He writes that Foucault is 'someone who thinks that we are capable of "practicing" freedom as an essentially anarchic form of life. An anarchic form of life enjoys a shortfall of criteria; it is one in which nothing is settled in advance, and the idea is to keep things (and oneself) in motion' (p. 50).
18. Agamben (1998), p. 21.
19. G.W.F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (New York: Oxford University Press, 1977), p. 66.
20. G.W.F. Hegel, *Science of Logic*, trans. A. V. Miller (Atlantic Highlands, NJ: Humanities Press International, 1989), p. 45.

21. G.W.F. Hegel, *The Encyclopaedia Logic: Part I of the Encyclopaedia of the Philosophical Sciences*, trans. T. F. Garaets, W. A. Suchting, and H. S. Harris (Indianapolis: Hackett, 1991), p. 152.
22. Ibid., p. 762.
23. Catherine Malabou, *The Future of Hegel: Plasticity, Temporality and Dialectic*, trans. Lisabeth During (New York Routledge, 2005), p. 68.
24. As Marx well knew, Law inaugurates a relationship between an object and the whole: 'A cotton-spinning jenny is a machine for spinning cotton. Only in certain circumstances does it become capital. Torn from those circumstances it is no more capital than gold is money or sugar the price of sugar.' (Karl Marx, *Wage-Labor, and Capital*, trans. Harriet E. Lothrop [New York: New York Labor News Company, 1902], 35). See also, in this regard, Lukács' contention that 'the intelligibility of objects develops in proportion as we grasp their function in the totality to which they belong' (Georg Lukács, *History and Class Consciousness*, trans, Rodney Livingstone [Cambridge, Mass.: MIT Press, 1971], 13).
25. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), p. 88.
26. Immanuel Kant, *Critique of Pure Reason*, trans. Werner S. Pluhar (Indianapolis: Hackett Publishing Company, 1996), p. 645.
27. Immanuel Kant, *Critique of Practical Reason*, trans. Lewis White Beck, 3rd edition (Upper Saddle River, NJ: Prentice Hall, 1993), p. 160.
28. Ibid., p. 162.
29. Ibid., p. 164.
30. Sigmund Freud, *Five Lectures on Psycho-Analysis*, trans. James Strachey (New York: W.W. Norton, 1977), p. 36.
31. Jacques Lacan, *The Seminar of Jacques Lacan, Book II: The Ego in Freud's Theory and in the Technique of Psychoanalysis, 1954–1955*, trans. Sylvana Tomaselli (New York: W. W. Norton, 1991), p. 170.
32. Ibid., p. 160.
33. Ibid., p. 170.
34. Ibid., p. 160.
35. Ibid., p. 126.
36. Jean Laplanche, 'A Short Treatise on the Unconscious,' *Essays on Otherness* (New York: Routledge, 2003), 92.
37. Ibid., p. 90.
38. Giorgio Agamben, *The Sacrament of Language: An Archeology of the Oath*, trans. Adam Kotsko (Stanford: Stanford University Press, 2011), p. 71.

39. Giorgio Agamben, *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota Press, 2004), p. 59.
40. Ibid., p. 70.
41. Marc Falkoff, 'Notes on Guantánamo.' In *Poems from Guantánamo: The Detainees Speak* (Iowa City: Iowa University Press, 2007), p. 3.
42. Martin Heidegger, 'The Origin of the Work of Art.' In *Poetry, Language, Thought*, trans, Albert Hofstadter (New York: Harper and Row, 1971), p. 46.
43. Ibid., p. 74.

Bibliography

Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen. Stanford: Stanford University Press.

———. 2004. *Means Without End: Notes on Politics*. Trans. Vincenzo Binetti and Cesare Casarino. Minneapolis: University of Minnesota Press.

———. 2005. *State of Exception*. Trans. Kevin Attell. Chicago: University of Chicago Press.

———. 2011. *The Sacrament of Language: An Archeology of the Oath*. Trans. Adam Kotsko. Stanford: Stanford University Press.

———. 2013. *The Highest Poverty: Monastic Rules and Form-of-Life*. Trans. Adam Kotsko. Stanford: Stanford University Press.

Bruns, Gerald. 2011. *On Ceasing to Be Human*. Stanford: Stanford University Press.

Douglass, Frederick. 2009. *Narrative of the Life of Frederick Douglass*. New York: Oxford.

Falkoff, Marc. 2007. Notes on Guantánamo. In *Poems from Guantánamo: The Detainees Speak*. Iowa City: Iowa University Press.

Foucault, Michel. 1990. *The History of Sexuality: An Introduction, Vol. I*. Trans. Robert Hurley. New York: Random House.

———. 1994. *The Order of Things*. Trans. Alan Sheridan. New York: Random House.

———. 2003. Society Must Be Defended. *Lectures at the Collège de France, 1975–1976*. Trans. David Macey. New York: Picador.

Freud, Sigmund. 1977. *Five Lectures on Psycho-Analysis.* Trans. James Strachey. New York: W. W. Norton.

Hegel, G.W.F. 1977. *Phenomenology of Spirit*. Trans. A. V. Miller. New York: Oxford University Press.

———. 1989. *Science of Logic*. Trans. A. V. Miller. Atlantic Highlands: Humanities Press International.

———. 1991. *The Encyclopaedia Logic: Part I of the Encyclopaedia of the Philosophical Sciences*. Trans. T. F. Garaets, W. A. Suchting, and H. S. Harris. Indianapolis: Hackett.

Heidegger, Martin. 1971. The Origin of the Work of Art. In *Poetry, Language, Thought*. Trans. Albert Hofstadter. New York: Harper and Row.

Hurn, Samantha. 2012. *Humans and Other Animals: Cross-Cultural Perspectives on Human-Animal Interactions*. London: Pluto Press.

Kant, Immanuel. 1993. *Critique of Practical Reason*. Trans. Lewis White Beck, 3rd ed. Upper Saddle River: Prentice Hall.

———. 1996. *Critique of Pure Reason*. Trans. Werner S. Pluhar. Indianapolis: Hackett.

Lacan, Jacques. 1991. *The Seminar of Jacques Lacan, Book II: The Ego in Freud's Theory and in the Technique of Psychoanalysis, 1954–1955*. Trans. Sylvana Tomaselli. New York: Norton.

———. 1998. *The Seminar of Jacques Lacan, Book XX: Encore, 1972–1973*. Trans. Bruce Fink. New York: Norton.

Laplanche, Jean. 2003. A Short Treatise on the Unconscious. In *Essays on Otherness,* ed. John Fletcher. New York: Routledge.

Lukàcs, Georg. 1971. *History and Class Consciousness: Studies in Marxist Dialectics*. Trans. Rodney Livingstone. Cambridge: MIT Press.

Rubenstein, Richard L. 1987. *The Cunning of History: The Holocaust and the American Future*. New York: Harper and Row.